UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,057	11/18/2005	Thomas Abrahamsson	35947-214434	6955

26694   7590   05/20/2009

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
ZAHR, ASHRAF A

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
05/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/527,057	ABRAHAMSSON, THOMAS
	Examiner	Art Unit	
	ASHRAF ZAHR	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 May 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

3/16/2009 has been entered.

Response to Arguments

35 USC § 101

2.   Applicant Argues, "displayed on a display" found in claims 1 and 10 makes these

claims statutory subject matter.

In view of applicant's arguments that the graphical user interface of claim 1 is

statutory because it is displayed on a display screen, the examiner is interpreting the

display screen as a tangible hardware device and not just computer program elements;

therefore, the previous 101 rejection is withdrawn.

35 USC § 103

3.   Applicant argues "As previously discussed, Sciammarella does not suggest the

invention recited in claim 1 since, among other things, Sciammarella does not suggest a

series of panels that when presented to the display screen will appear to occupy a two-

dimensional space extending in an approximate semi-circular fashion along the bottom

and the adjacent sides of the display screen. Rather, as shown in Figs. 2 and 21,

Sciammarella suggests a circle layout. In particular"

Sciammarella discloses thumbnail representatives in a semi-circular fashion

along the bottom of the screen and additional information can be presented for viewing

data objects (Sciammarella, Fig 2). Furthermore these thumbnails travel up the sides of

the screen. Finally, it would obvious to move this semi circular display of panels to the

bottom of the screen as it merely is a design choice. Therefore, the examiner

respectfully disagrees with the applicant.

4.   Applicant argues "Sciammarella does not suggest a user interface that includes

"a selection cursor...overlaid one panel presented at the bottom of the display screen".

Furthermore, Sciammarella does not provide any motivation to modify the interface

suggested therein to include such features".

Scimmarella discloses a focus outline (Sciammrella, ¶79). This is used to select

objects. Therefore, the examiner respectfully disagrees with the applicant.

5.   Applicant also argues "Sciammarella does not suggest a selection cursor being

scrollable "to a panel appearing further up either side of the display screen than the

panels displayed at the bottom thereof' which is "arranged to cause the indicated panel

to be pulled down and stopped in a position at the bottom of the display screen and the

whole series of panels to be scrolled along with it." Rather, Sciammarella suggests at

paragraph 0074 that "the center of the focus thumbnail serves as the unmoving axis of

the pivoting movement." Furthermore, Sciammarella suggests at paragraph 0077, "the

focus outline remains generally at the center of the screen, and ...it can also be moved

slightly towards the adjacent thumbnail as the adjacent thumbnail is shifted towards

center". Thus, it is clear that the selection cursor suggested by Sciammarella is

essentially static at the center of the screen and the thumbnails moves into the cursor

"focus". That is, the thumbnails are not pulled down by the selection cursor and stopped

in a position at the bottom of the display screen".

The objects in Sciammarella can move along an axis causing them to move from

the either side of the screen to the bottom of the screen (Sciammarella, ¶0074). The

are selected in the focus outline section (Sciammrella, ¶79). Since this focus outline

can also move the pulling down effect can be achieved (Sciammrella, ¶77). Therefore,

the examiner respectfully disagrees with the applicant.

6.   Applicant also argues, "with respect to claim 3, it is not possible to scroll the

selection cursor of Sciammarella to any panel other than the focus panel. Sciammarella

only suggests in paragraph 0081 that, "When the continuous browsing input continues

for longer than certain duration of time, the speed at which the thumbnails move is

accelerated." Thus, Sciammarella does not suggest the invention recited in claim 3".

The language of claim three suggests that the panels are being scrolled not the

focus panel. With respect to the selection cursor it can also be scrolled or moved. It can

be moved slightly toward the adjacent thumbnail as the adjacent thumbnail is shifted

toward center. The examiner reads this as being selectively scrollable. (Sciammarella, ¶0077).

7.   Applicant also argues, "with respect to claim 4, Sciammarella does suggest that, "transport speed of the series of panels when scrolled is dependent on the frequency of user input commands for scrolling the selection cursor up the panels appearing at either side of the display screen". Rather, Sciammarella suggests that the scrolling speed is dependent on duration, not frequency, of user input".

Sciammarella when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081). The continuous browsing input over the duration of time gives us a frequency at which the speed of the thumbnails is dependent on. The longer the duration, the shorter the frequency and vice versa. Therefore, the examiner respectfully disagrees with the applicant.

8.   Applicant also argues, "In addition to the above-described differences between the invention recited in the claims and the interface suggested by Sciammarella, there is no motivation to alter the interface suggested by Sciammarella to result in the claimed invention. For example, "a selection cursor ... overlaid one panel presented at the bottom of the display screen" is not simply a "different design choice" as asserted by the Examiner. Rather, this arrangement stems from the "television" background of the application. This is discussed in the present specification at paragraphs 0002 and 0003.

An advantage of such an arrangement as discussed in paragraph 0018 of the present specification includes allowing video or television programming to continue playing in the background without the graphical user interface unnecessarily obscuring the background image"

In response to applicant's argument aboveS the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

A television monitor is similar to a computer monitor. It would be obvious to one of ordinary skill in the art at the time of the invention would know that a series of icons in a menu can be placed in the middle of the screen or the bottom of the screen. Therefore, the examiner respectfully disagrees with the applicant.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella).

Regarding Claim 1, Sciammarella discloses "a graphical user interface system

for efficiently navigating among and selecting from different selectable options diplayed

on a display screen". Specifically, Sciammarella discloses a graphical user interface for

managing data objects and a layout/order interface (Sciammarella, ¶0047-48).

Sciammarella also discloses, "display screen being associated with a client

device and means for user input". Specifically, Sciammarella discloses the system for

use with a display, computer and user input unit (Sciammarella, ¶0058).

Sciammarella also discloses, "the graphical user interface system comprising: a

scrollable menu selectively displayed on the display screen through user input".

Specifically, a user can browse and look at the data object (Sciammarella, ¶0075-0077).

Sciammarella also discloses, "scrollable menu comprises a series of panels

representing bookmarks and/or bookmark folders representative of the different

selectable options". Specifically, Sciammarella discloses thumbnail representatives of

the data objects (Sciammarella, Fig 2).

Sciammarella also discloses, "which series of panels when displayed on the

display screen will appear to occupy a two- dimensional space extending in an

approximate semi-circular fashion along a bottom and adjacent sides of the display

screen such that additional information can be presented for viewing on a remainder of

the display screen". Specifically, Sciammarella discloses thumbnail representatives in a

semi-circular fashion along the bottom of the screen and additional information can be

presented for viewing data objects (Sciammarella, Fig 2).

Sciammarella also discloses, "a selection cursor is displayed the display screen overlaid on one panel presented at the bottom of the display screen". Specifically, Scimmarella discloses a focus outline (Sciammrella, ¶51). This is used to select objects.

Sciammarella also discloses, "selection cursor through user input is selectively scrollable to a next panel in the series of panels in discrete steps, distinctly indicating only one panel at a time". Specifically, Scimmarella discloses a focus outline (Sciammrella, ¶79). This is used to select objects. It can also be moved slightly toward the adjacent thumbnail as the adjacent thumbnail is shifted toward center. The examiner reads this as being selectively scrollable. (Sciammarella, ¶0077).

Sciammarella discloses, "which selection cursor upon being scrolled to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof is arranged to cause the indicated panel to be pulled down using a simulated gravitational pull as the load of the selection cursor is brought to the panel and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with the indicated panel, said user interface system further providing for user input for selecting the indicated panel". Specifically, the objects in Sciammarella can move along an axis causing them to move from the either side of the screen to the bottom of the screen (Sciammarella, ¶0074).

Sciammarella does not specifically disclose that menu at the bottom of the display screen. However, it would be obvious to one of ordinary skill in the art to move

the thumbnail menu to the bottom of the display screen. The motivation to do so would be a different design choice.

Regarding Claim 2, Sciammarella also discloses, "the graphical user interface according to claim 1, further comprising an information field displayed on the display screen, the information field comprising additional information regarding the selectable option of the indicated panel". Specifically, Sciammarella discloses an information field that provides information (Sciammarella, Fig 2: node 26).

Regarding Claim 3, Sciammarella also discloses, "the graphical user interface according to claim 1, wherein the transport speed of the series of panels when scrolled increases linearly moving up the panels appearing at the sides of the display screen as a user scrolls the selection cursor". Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

Regarding Claim 4, Sciammarella also discloses, "the graphical user interface according to claim 1, wherein a transport speed of the series of panels when scrolled is dependent on a frequency of user input commands for scrolling the selection cursor up the panels appearing at the sides of the display screen". Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

Regarding Claim 5, Sciammarella also discloses, "the graphical user interface according to claim 1, further comprising: an editing mode configured to receive user input for editing the bookmarks and/or bookmark folders representative of the different selectable options". Specifically, the user can edit the information related to the data object (Sciammarella, ¶0090).

Regarding Claim 10, this claim is substantially similar to claims 1, 2 and 5. Therefore, it is rejected based upon the same reasoning used to reject those claims.

11. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella) in view of Matthews, III et al., US 5,677,708 (Hereinafter Matthews).

Regarding Claim 6, Sciammarella discloses all the limitations of claim 1 above. However, Sciammarella does not specifically disclose, "the graphical user interface according to claim 1, further comprising: a first information symbol displayed on the display screen adjacent to the selection cursor when the indicated panel comprises a panel representing a bookmark folder, said first information symbol indicating a path to a sub-menu comprising additional panels representing the bookmarks and/or bookmark folders represented by the indicated panel". Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198).

It would be obvious to one of ordinary skill in the art to add the feature of the information

symbol indicating a path to the data object display in Sciammarella. The motivation to

do so is to address the requirements of limited display "real estate" for displaying such

control images, as well as the dynamic nature of programming information presented by

the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 7, Sciammarella also does not specifically disclose, "the

graphical user interface according to claim 6, wherein upon user input for performing a

selection of the panel representing a bookmark folder, the sub-menu comprising a

series of additional panels representing the bookmarks and/or bookmark folders

represented by the panel selected are displayed on the display screen, replacing the

previously displayed menu". However, Matthews remedies this with the disclosure of

present invention provides a system for both "highlighting" the currently selected control

item and for supplying the user with an indication of other control items that are

available for selection by the user (Matthews, col 7, ln 4-7). It would be obvious to one

of ordinary skill in the art to add the feature of supplying the user with other control

items that are available to the data object display in Sciammarella. The motivation to do

so is to address the requirements of limited display "real estate" for displaying such

control images, as well as the dynamic nature of programming information presented by

the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 8, Sciammarella also does not specifically disclose, "the graphical user interface according to claim 7, further comprising: a second information symbol on the display screen adjacent to the selection cursor when the indicated panel comprises a panel of said sub-menu, said second information symbol indicating a return path to the previously displayed menu". However, Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198). It would be obvious to one of ordinary skill in the art to add the feature of the information symbol indicating a path to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 9, Sciammarella does not specifically disclose, "the graphical user interface according to claim 8, wherein the panel representing the bookmark folder is displayed to the display screen below the panels of said sub-menu, indicating to the user the panel used to enter said sub-menu". However, Sciammarella discloses the data object displayed at the bottom of the Arc (Sciammarella, Fig 2). It would be obvious to one of skill in the art to move this down below the other data objects. The motivation to do so is to draw attention to particular ones of the thumbnails and indicate the focus thumbnail more clearly (Sciammarella, ¶0050)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 5/14/09
/Ting Zhou/
Primary Examiner, Art Unit 2173